

**REMARKS**

Claims 1-21 are pending.

In the Final Rejection mailed January 22, 2010, claims 1-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yao (U.S. Patent No. 5,983,099) in view of Mizell (U.S. Patent No. 7,420,951).

**STATEMENT OF COMMON OWNERSHIP**

The present application and Mizell (U.S. Patent No. 7,420,951) were, at the time the invention of the present application was made, owned by or subject to obligation of assignment to the same person (Nortel Networks Limited).

Therefore, Mizell has been disqualified as prior art pursuant to 35 U.S.C. § 103(c).

REJECTION UNDER 35 U.S.C. § 103

In view of the disqualification of Mizell as prior art under § 103(c), the rejection of the claims over Yao and Mizell has been overcome.

Withdrawal of the Final Rejection and allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (16853RRUS06N).

Respectfully submitted,

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